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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,954	10/15/2004	Fonda J. Daniels	014682.000015	5953
44870	7590	09/19/2006	EXAMINER	
MOORE & VAN ALLEN, PLLC P.O. Box 13706 Research Triangle Park, NC 27709			REYES, MARIELA D	
			ART UNIT	PAPER NUMBER
			2169	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/711,954

Applicant(s)

DANIELS ET AL.

Examiner

Mariela D. Reyes

Art Unit

2191

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/13/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 3, 11, 17, 23 and 28 are objected to because of the following informalities: The way the claim is worded is confusing. Examiner suggests rephrasing the claims to read: "... comprising **visually identifying...**" instead of "... comprising **identifying visually...**"

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claim a method for creating a system yet the method does not create a system.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The above-mentioned claims are rendered non-statutory because the system claimed is comprised by data structures. According to applicant's spec a data structure may include a data structure or code therefore

rendering the above-mentioned claims non-statutory. (See Applicant's spec e.g. Paragraph [0024])

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6-9, 16, 19, 20, 22, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Vale (US PG Pub 2002/0116528).

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified. (See Vale e.g. Abstract)

For Claims 1, 16 and 22:

Vale anticipates applicant by teaching a method on which a user enters a string to be searched and then it is matched to a database of URLs and the results of the comparison are identified for the user.

For Claim 2:

Vale anticipates applicant by teaching a method of comparing the results from the search to the URL database and identifying results.

For Claims 6, 19 and 25:

Vale anticipates applicant by teaching a method of adding results from the search to the URL database for future searches.

For Claims 7, 20 and 26:

Vale anticipates applicant by teaching a method of storing results from the search to the URL database for future searches.

For Claim 8:

Vale anticipates applicant by teaching a method of storing results from the search to the URL database for future searches. The results being stored comprising a URL that could be referenced as to access the page it references.

For Claim 9:

Vale anticipates applicant by teaching a method of storing results from the search to the URL database for future searches. The URLs stored as objects that can be accessed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 12, 17, 23, 28, 29 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Vale (US PG Pub 20020116528).

Claims 3, 17 and 23:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified. (See Vale e.g. Abstract) However Vale doesn't explicitly disclose visually identifying the matching results.

It would be obvious to someone with ordinary skill in the art at the time of the invention to visually identify the matches generated by Vale's method motivated by the fact that this way it would be easier for the user to identify them visually.

Claim 4:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified. (See Vale e.g. Abstract) However Vale doesn't explicitly disclose visually identifying the matching results by at least one of a predetermined icon, a predetermined text font and highlighting.

It would be obvious to someone with ordinary skill in the art at the time of the invention to visually identify with predetermined icon, text font or highlighting matches generated by Vale's method motivated by the fact that this way it would be easier for the user to identify them visually.

Claims 11 and 28:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified. (See

Vale e.g. Abstract) However Vale doesn't explicitly disclose visually identifying the matching results.

It would be obvious to someone with ordinary skill in the art at the time of the invention to visually identify the matches generated by Vale's method motivated by the fact that this way it would be easier for the user to identify them visually.

Claims 12 and 29:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database (loaded as to make the comparison) and matches from that comparison are identified. (See Vale e.g. Abstract) However Vale doesn't explicitly disclose visually identifying the matching results.

It would be obvious to someone with ordinary skill in the art at the time of the invention to visually identify the matches generated by Vale's method motivated by the fact that this way it would be easier for the user to identify them visually.

Claims 14 and 31:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified Vale also teaches that the results from the search should be added to the URL database for future searches. (See Vale e.g. Abstract) However Vale doesn't explicitly disclose visually identifying the matching results.

It would be obvious to someone with ordinary skill in the art at the time of the invention to visually identify the matches generated by Vale's method motivated by the fact that this way it would be easier for the user to identify them visually.

Claims 5, 10, 13, 15, 18, 21, 24, 27, 30 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Vale (US PG Pub 20020116528) in view of Han (US PG Pub 2001/0044800).

For Claims 5, 18 and 24:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified. (See Vale e.g. Abstract) However Vale doesn't disclose presenting saved comments associated with the matches in response to positioning a pointing device in top of the result.

Han teaches a method of identifying with comments a URL to be saved in a database. (See Han e.g. Abstract)

It would be obvious to someone with ordinary skill in the art at the time of the invention to incorporate Han's teachings into Vale motivated by the fact that way the user that had created this comments would have an easier time identifying the purpose or need of the previously used URL.

For Claims 10, 21 and 27:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified. (See Vale e.g. Abstract) However Vale doesn't disclose storing comments associated with URLs.

Han teaches a method of identifying with comments a URL to be saved in a database. (See Han e.g. Abstract)

It would be obvious to someone with ordinary skill in the art at the time of the invention to incorporate Han's teachings into Vale motivated by the fact that way the user that had created this comments would have an easier time identifying the purpose or need of the preciously used URL.

For Claims 13 and 30:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified. (See Vale e.g. Abstract) However Vale doesn't explicitly disclose visually identifying the matching results and presenting saved comments associated with the matches in response to positioning a pointing device in top of the result.

Han teaches a method of identifying with comments a URL to be saved in a database. (See Han e.g. Abstract)

It would be obvious to someone with ordinary skill in the art at the time of the invention to incorporate Han's teachings into Vale motivated by the fact that way the user that had created this comments would have an easier time identifying the purpose or need of the preciously used URL and to visually identify the matches so that it would be easier for the user to identify the results visually.

For Claims 15 and 32:

Vale teaches a method of entering a text and receiving text results that then are compared to a URL database and matches from that comparison are identified. (See

Vale e.g. Abstract) However Vale doesn't explicitly disclose visually identifying the matching results and presenting saved comments associated with the matches in response to positioning a pointing device in top of the result.

Han teaches a method on which you can enter comments to be associated with the URL to be stored in the database. (See Han e.g. Abstract)

It would be obvious to someone with ordinary skill in the art at the time of the invention to incorporate Han's teachings into Vale motivated by the fact that way the user that had created this comments would have an easier time identifying the purpose or need of the preciously used URL and to visually identify the matches so that it would be easier for the user to identify the results visually.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariela D. Reyes whose telephone number is (571) 270-1006. The examiner can normally be reached on M - F 7:30- 5:00 East time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bruce can be reached on (571)- 272-2487. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2191

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR



DAVID BRUCE  
SUPERVISORY PATENT EXAMINER